SPEECH

OF

HON. J. R. TYSON, OF PENNSYLVANIA,

ON

THE FUGITIVE SLAVE LAWS AND COMPROMISE MEASURES OF 1850;

DELIVERED

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THE SLAVERY COMPROMISE LAWS.

Mr. TYSON said:

It would seem that the English phrase "to get the eye of the Speaker," has little or no meaning in its application to Congress in this Hall. The stentorian effort and the vehement gesture which are usually resorted to, but which I have declined to make to obtain the floor, show that the *ear* as well as the *eye* must be violently assailed. But after many unsuccessful attempts, I avail myself of the opportunity now accorded to me to proceed at once to the subject which I propose to consider, and about which I have somewhat to say, perhaps hardly compressible within the compass of an hour's speech.

My topic is not chosen with any relation to party politics. It addresses itself to the sober sense and enlightened patriotism of all good citizens, without regard to political divisions. I have selected it for the purpose of bringing into prominent notice some considerations which have been too long overlooked, the pondering of which in the public mind may tend to allay the feuds and estrangements of party warfare, and to bring back into the ample fold of a common nationality those who have strayed into the dark recesses and wilderness by-paths of sectional error. I shall not imitate those gentlemen who have spoken on both sides of the House, in favor of and against the President's message. While the study of all seems to be to make the party lines on this subject broader and deeper than before, it will be mine to obliterate them altogether. The ancients were of opinion that the offering of the olive branch by Minerva was more acceptable and beneficial to mankind, as the emblem of peace, than the symbol of war, which was presented by a martial and more powerful deity.

The present seems to be an opportune period to address dispassionate thoughts to the nation, in order to induce that calm and reflecting spirit so important to the perception and appreciation of truth. The Administration of the country will soon be placed in the hands of a gentleman whose political adversaries cannot deny to him the qualifications of matured experience and tried statesmanship, of cool prudence and ardent patriotism, and uniting, in an eminent degree, benevolence of heart with purity of character, and habitual forecast with high intellectual capacity. Recent events have shown what vast good can be done by the wise counsels of one man, like the Chief Magistrate elect, in the administrative concerns of a country. Kansas may now breathe in peace, and decide her own questions in her own way, without fear of molestation from within, or of intrusion from without. The popular disturbances in that unhappy Territory are practically, and I trust finally, at rest, thanks to the vigor and prudence of Governor Geary, and his present able judicial assistant.

A late vote in this House has proved to the world that the moral sentiments of the national Legislature are in harmony with the general voice of the people against any countenance to, or revival of, the African slave trade. One subject, therefore, only remains which can minister to popular disaffection, and prevent the restoration of peace, tranquillity, and kindness throughout our wide-spread land. I refer to a repugnance in the non-slaveholding States to the honest, faithful, and

patriotic enforcement of the fugitive slave laws. On this delicate subject I propose to speak the sentiments I have long entertained, the result of no little anxious meditation, but with absolute freedom, and without equivocation or reserve. If, after a full hearing, my opinions should be regarded as erroneous, or the reasons adduced too lame to support them, I hope that the mistake, if indeed mistake be possible on this subject, will at least be regarded as honest and sincere. Penetrated with the truth and conscious of the integrity of the views I espouse, I commit myself to the reflecting and discerning North, and to the enlightened and patriotic tribunal of public opinion in other parts of the country.

I do not intend to become on this occasion, and I trust on no occasion, the champion of any party on a grave question of common and momentous concern. It would indeed be a happy circumstance, if partisans of all distinctions would strive to keep from the vortex of party excitement, from the cauldron of party strife, the question of hereditary labor and service, a system which existed by law in all the colonies of this country from nearly its earliest settlement; a system which has been continued at the South, one to which the habits of large districts have been conformed, and under which vast interests have been growing up for more than two centuries. The continuance of this system, and the repose of the communities in which it retains a footing, should not be disturbed by the external agency of ignorant, rash, or hostile intermeddlers. It is not merely identified with the habits and interests of millions of people and millions of property, but it is intertwined with their social feelings, and even their religious instincts.

It is asserted, I am aware, by the great body of the northern people, that they have never sought to interfere with African slavery, as it prevails in the southern States; that though they disapprove of it as a relation, socially and politically, and believe that its prevalence nourishes sentiments, maxims, and interests which are irreconcilably at war with the highest feelings and best interests of the free States; yet, as they allege, they oppose only its extension into territory now free. This, I believe, is the honest opinion and the feeling of almost the entire North.

The few persons who would kindle a servile war in the southern States, or excite the slaves to acts of disobedience or disloyalty, are those few misguided people who are influenced by the British press and the orators of Exeter Hall, or who, crazed by the intensity of one engrossing idea, are to be regarded as insane, and who ought to be subjected to the moral treatment of lunatic asylums. This last class is so exceedingly small that they could easily be thus accommodated, without much increase in the size of the present buildings, or the number of their apartments.

The allegation of the North is, that they seek only to prevent the introduction of slavery into the *Territories*, as the common domain of the United States, and attempt to go no further. The assertion of the South is, that the question of extension is one of local jurisdiction only, determinable by the people to be affected by it, and that they bow to that decision, whether the decision be for its admission or exclusion. Now the question may be seriously asked, whether either of these positions is exactly in accordance with the facts? Do the North confine their efforts to territorial questions, and are the South so indifferent as not to attempt by intimidation and violence, to *force* its expansion? Do not the disgraceful scenes of Kansas, after due abatement has been made for all the exaggerations and distortions of an excited and a mendacious party press, deprive the South of such a plea? The disobedience to fugitive slave laws, on the part of whole communities in the North, the enactments of States to restrict and paralyze them, and the popular clamor which opposes their execution, show that a large portion of what is called even the conservative North do not confine their opposition to slave labor in the common domain of the United States.

I call upon the North and the South to return to the compromise measures of 1850, as the principles of these measures must constitute the bulwarks of our national Union and national safety. Such men as Henry Clay and Daniel Webster lent all the resources of their great minds and commanding influence to the task of maturing them. All parties are formally and solemnly pledged to their observance. They were condemned only by those who were led astray by the unpatriotic ideas which English statesmen, through a gifted but honest instrumentality, had contrived ingeniously to work into the very framework of social life in England, and to transfer to this country the same poisonous spirit. Peace and tranquillity were restored. All parties became satisfied, except an insignificant number at the North, who were obliged by the common voice to murmur their acquiescence.

These *compromise measures of* 1850 adopted, in brief, a few plain principles which were practically applied. They destroyed the traffic of buying and selling slaves in the District of Columbia. They provided for the reclamation of fugitives, and fortified the provision by all the guards which experience had taught and forecast suggested. They gave to Utah and New Mexico the right to make their own laws in their own ways, *subject only to the approval of Congress;* and declared that each Territory had the right to be admitted as a State, with or without slavery, according to the decision of the people of each respectively.

The Kansas-Nebraska act of 1854 is already passing away, and will soon be forgotten, or if recurred to, its enactments will be remembered only to be avoided in all future time. It is alleged to have been necessary to carry out and harmonize the legislation of 1850. In order to ascertain how far this ascription may be well or ill-founded, it is necessary to keep in view the fundamental principles of both enactments. The legislation of 1850 invests New Mexico and Utah with the full and unrestricted right of local legislation, and, like every act from the year 1787, it requires that the territorial laws, when passed, *shall be submitted to Congress* for its approval or rejection. The Kansas-Nebraska act proclaims the doctrine of congressional *non-intervention* in territorial affairs, and gives to the two Territories it ordained all the powers of States, while it provides for a Delegate in each, and permits them to retain the territorial privilege of being maintained at the expense of the General Government. By means of such a new-fangled and dangerous system of territorial arrangement, any abuse might be committed under the name of law, and Congress could not interfere to check or redress the evil.

The infamous practice of polygamy, as it prevails in Utah, or any other atrocity, might be sanctioned in Kansas or Nebraska, and Congress would have no negative upon the act. Every statute of the Government relating to Territories may be ransacked from the earliest period of its history down to the year 1854, and no act will be found but this which denies to Congress the supervisory power in territorial enactments. Each and every other act, from the foundation of the Government to the present time, requires *the territorial laws, when passed, to be transmitted to Congress.* The Kansas-Nebraska act has the unenviable distinction of being a regulation which will stand alone on the statute-book, without precedent in the past, without having a follower in the future.

Though a departure from all the lessons of experience, it is praised for recognizing the fundamental principle of popular sovereignty. But how does the system which preceded it—the system which was devised at least by as able and experienced statesmen—that under which our new States have been peaceably and wisely settled—entrench upon the doctrine of local sovereignty, or encroach upon the right of local legislation? These Territories framed their own enactments, and unless plainly violative of some fundamental law, were always ratified by Congress.—The people never migrate to new Territories until they are organized by law. They go from the States where, as citizens, they have had a voice in that legislation by which, as inhabitants of Territories, they are afterwards governed. Why, then, should radical theorists insist that the wild, the reckless, the busy,—who make the sum of the early population in those new settlements,—be permitted to indulge their vagaries of social novelty, without the possibility of amendment, or the chance of correction? That people who, whatever their training and previous habits, are unsheltered from the weather, and who, to procure subsistence and animal conveniences, are obliged to smooth the rugged paths of a wilderness life, are ill qualified by studious leisure and calm reflection to be the founders of empire. And is it just that a parent should maintain a child who claims exemption from parental restraint, and aspires to the independence and discretion of maturity? But I have done with the Kansas-Nebraska act. It is a legal anomaly, a kind of *legislative discovery* of the means of introducing discord, bloodshed, and disgrace where all might have been peace and fraternal kindness. "A political blunder," said Talleyrand, "is worse than a crime." The apopthegm is just in its application to this case, for the blunder of passing this act has been the prolific parent of many crimes and sorrows.

There is no fear that the *principle* of the act, which was *discovered* for the temporary purpose of getting at something else, will ever be applied to new territory. Its vitality has already passed away. The doctrine of surrendering all the rights of Congress to a Territory, with a *Delegate* to represent its people, who are, by the very law which created him, wholly independent of the body to whom he is sent, is too great an absurdity for any subsequent act. The notion of con-

gressional non-intervention, implying absolute territorial sovereignty, is a fallacy and a figment. It is a *caput mortuum*, or at best, to remain hereafter *in perpetual abeyance*, to be revived only when some other Missouri compromise is to be declared inoperative and void.

In blotting out, then, the *discoveries* which came in with the Kansas-Nebraska act, we come back to the compromises of 1850, which hereafter, I trust, the North and the South will, in pursuance of written pledges, concur inviolably to observe. They have been wantonly infringed on both sides —on the part of southern members, chiefly, by doing so unwise, unnecessary, and bootless an act as repealing the Missouri compromise, and introducing the ghost of squatter sovereignty, when everybody looked for flesh and substance as the only plea upon which that repeal could be ostensibly justified. On the North, it is contravened, in attempting to get rid of or evade the laws against fugitive slaves.

I do not charge upon the large class who will harbor and conceal fugitives from labor, the graver offenses of inciting them to flight, and resisting the law for their restoration. There are few men of the northern States who would be thus indifferent to law, to good citizenship, to moral allegiance, to political justice, to enlightened benevolence. For myself—and I trust in this that I represent the sentiment of the law-abiding, virtuous citizens of the whole great North—if the marshal of my district, charged with the duty of restoring a fugitive to his owner, were to summon me as a part of his *posse*, either to overcome resistance to an attempted arrest, or to prevent a rescue and flight, I would at once obey the summons. An officer commissioned with the execution of a writ, or the performance of a duty, represents the majesty of the law, and no man's house or person is safe if he be not obeyed and assisted. The reasoning and thoughtful citizen who looks to the law for his own protection, would not ask the question, whether the runaway sought to be reclaimed was a fugitive from justice or a fugitive from labor? These two classes of fugitives stand side by side in the Constitution; and as the law makes no distinction between them, except in the manner of their delivery, so it is not the part of a good and law-abiding freeman to neutralize or counteract its behests.

All who honestly look into this question of runaway slaves, as a historical proposition, and earnestly ponder it as a proposition of enlarged charity, must acknowledge that the conduct of the North, on this subject, is opposed to good citizenship, to practical justice, to enlightened and Christian benevolence. Inquiry is seldom made whether the runaway was well or ill treated by the master whose protection he has deserted, or about his own capacity to take care of himself. Often untaught as children in the knowledge of providence and thrift, ignorant of the arts of life and the world, these secreted runaways are frequently doomed to wander about in our large cities under the pressure of hopeless destitution, temporarily relieved, perhaps, by crime, thence to be plunged into the greater miseries of a prison. If the statistics of our Census Reports would follow these pitiable outcasts, sure I am that all conscientious men and women would shrink appalled from this ill-considered form of emancipation. We glean from the statistics of pauperism and crime, a lamentable picture of the degradation and ruin of many of these unhappy beings. Shut out from the paternal shelter of those upon whom they depended for the supply of every necessary from childhood—of those whose family bond, whose direct interest, and whose legal duty were alike enlisted to secure their comfort in youth and health, and their maintenance in infancy, age, and sickness, they exchange a life, thus free from care and want, for one of nominal freedom truly, but of real and unmitigated wretchedness. Is it not the worst form of *immediate emancipation*—that mad offspring of an insane modern philanthropy? Coupled with injustice to the master, and with multiplied evils to the existing system of slavery, does it not threaten also the social and political prospects of the country? Does it not throw additional restraints upon those who still are in bondage, and postpone indefinitely all consideration of remedy for grievances in the system itself, which, with greater security in the persons of the laborers, there would be more inclination in the South to regard and apply? Does it not inflame and alienate the South, that for the mere indulgence of an abstract sentiment, they should be deprived of their laborers by their own countrymen, in a mode not merely unjust to themselves and their dependants, but involving disloyalty to the plainest edict of our supreme national law?

In this country our sympathies are so much in favor of abstract freedom that we act as if it were the *pabulum* or natural food of life, and the great panacea of other ills. It has its origin in one noble sentiment of our nature, which, if it

unduly carry us away, may overshadow and blight many other virtues which lean upon it for support. I freely admit that liberty is an abstract good; but this, like all general abstractions, has many practical exceptions. It is a good to those who know how to use it, and are capable of making it subservient to their happiness. But under that name, and ostensibly to promote and secure it, have been perpetrated some of the greatest crimes which have ever afflicted humanity. "Oh, Liberty," said Madame Roland, as she passed the statue of the goddess on her way to execution, "what crimes are committed in thy name!" In the case under review, the worshipers of Freedom, while falling down at the feet of its cold and insensible marble, would interpret their deity as favorable to the commission of those crimes and excesses which, like the fabled Astræa, she came from Heaven to prevent or to punish. The demons of France, drunk with the human gore they were shedding, madly profaned the temple by murdering all the attributes of the goddess whom they professed to worship. Our worshipers of Freedom seem not merely to do this, but evince a disposition, by kindling the elements of civil war, to fire a far more beautiful and costly temple than that of Ephesus—the temple of American freedom itself—that fairest temple of human liberty which the long ages of time have witnessed, or the great volume of history has yet revealed.

On what plea is it that a system, the inevitable results of which, however unseen by the multitude, must be plain to thoughtful observers, can be deliberately persisted in by sensible men? The friends of freedom profess to be the friends of the slave; but instead of uniting, like good citizens, in a solemn pledge to the Constitution under which they live, and like good men, intent upon his happiness, to send him back, intelligent persons are found willing, on the ground of an intangible and abstract sentiment, to inflame sectional feeling, while they do a lasting injury to the unconscious object of their exertions. The free States, it is said, must be the consecrated soil of freedom, and emulate England in the glory of her free constitution. As an English poet has described that constitution:

> "Slaves cannot breathe in England;
> They touch our country, and their shackles fall."

But the sentiment is merely poetical, since it is fallacious and deceptive. It did poetical injustice to the country of which it was uttered, for in sober prose it is rather ironical than true. It is a sentiment transplanted here from a soil in which it never took root, except as a hot-bed plant, nourished for foreign growth. Let me show the sickliness of this foreign flower, the emptiness of this foreign notion upon which our people act, and the dangers it threatens to the best interests and the highest hopes of this country.

I undertake to exhibit the inconsistent course and hollow pretensions of English statesmen in a course of action apparently dictated by jealousy of the rising power of this country, by the fear of England's being displaced in her maritime supremacy as ruler of the ocean, and by the apprehension of a national eclipse. In this attempt, I would do no injustice to the motives and sensibilities of the English people at large. No one appreciates more highly than I do the noble spirit of English freedom in comparison with any other part of Europe; the truth of English philosophy; the results of English science; the genius of English literature and art. Nor can there be a doubt that the conservative opinions of the British press exert a wholesome influence on this country. But I protest against the subjection of the minds of our people to the influence of the English press in its madness on the subject of *African slavery*—not unhappily as that slavery exists in Africa, but as it prevails in this country—and in its sophistical reasoning to bolster up *British free trade*, in its application to the circumstances of a new nation of boundless undeveloped materials, and the most promising undeveloped skill. Its selfish and calculating logic on these two subjects is intrinsically unsound, and eminently dangerous to the prospects of a rising Power, whose unity among the States which compose it, and whose independence of foreign nations in its industrial pursuits, are essential to its greatness and glory. The inflammable material among the English people and ourselves, has been set in a blaze against our system of domestic slavery by writers and speakers whose burning tongues and eloquent pens have been directed by the cold, the crafty, and the calculating policy of English statesmanship. If the effulgent galaxy of States could be dimmed by the fall of a single star from the glorious constellation—if by sowing the seeds of discord, if by prompting unreasonable exactions from the South, and exciting a retaliatory spirit in the North—if, in short, in order to break that chain, brighter and more valuable than gold, which, as a zone, binds all these starry lumina-

ries together, she could lessen the representative greatness of the national flag which waves over this Capitol, all the labor, the talent, the money expended would be abundantly repaid. What so likely to accomplish this result as to address that instinct of the American heart, the object of its idolatry, the idol of its political affections—our love of liberty? The American people cherish liberty as a positive good for its own sake—as a good worthy of all vigilance, even as a deity to be devoutly worshiped! But English writers mistake our zeal, if they suppose, in offering up our devotions at the shrine of this deity, we are willing to invoke a more malignant demon than despotism itself.

English writers appeal, in justification of their activity, to an event in their own history as favoring the absolute sacredness of soil from the touch of slavery. They call upon the lovers of freedom in this country, in the northern States, to redeem our land, and prevent it from being polluted by the touch of a slave, and ourselves from being defiled by sending back a fugitive to his master—to that master from whose claims and whose protection he has fled. In the face of all these high pretensions, if we look into the history of England from an early period to the present time, we shall find that it is identified with the expansion of the slave-trade, and with the permanence of American slavery, and that slaves could and did breathe in England when their poet wrote. I do not here refer to the existence of unmitigated serfdom, under the degrading appellative of *villeinage in gross*, which was assuaged and modified in many of its features several ages ago, nor to the introduction of slaves into her North American colonies, and its legal maintenance there by acts of Parliament down almost to the era of our Independence. No, sir, I do not now refer to these, but, in connection with the latter, to the direct participation of Great Britain in that iniquitous trade, to whose abuse and extension she so largely contributed by admiralty edicts, acts of Parliament, and her great mercantile marine. After enjoying its rich profits for years, when it ceased to be a lucrative branch of commerce, especially after the loss of her American colonies, the powerful and nervous pens of English writers aided to render the traffic which had been so diligently fostered, not merely odious, but to denounce it as inhuman and piratical.

In the reign of Elizabeth, and under her protection, Sir John Hawkins equipped three vessels in 1562 to Sierra Leone, on the African coast, where he obtained, among other merchandise, three hundred slaves, whom he carried to Hispaniola, and disposed of to great advantage. The success of this expedition excited the cupidity of *the English Government itself*, who, in 1564, equipped a fleet of six vessels, and placed them in command of Captain Hawkins, the successful commander of the former enterprise. In 1618, James the First granted an exclusive charter to Sir R. Rich, and other merchants of London, of the trade to Guinea, which was transferred by Charles the First to other private adventurers. But it would be tedious to trace, through the voluminous pages of English history, the many charters to carry on the slave trade, which were granted during a century and a half, for the benefit not only of merchants, but of the gentry, of the nobility, of royal dukes, and of even the monarch himself! Such was the popularity of the traffic, and the avidity to mingle in its benefits, that in the year 1698 the exclusive character of the trade was broken up, and it was thrown open to all the subjects of the realm by an act of William and Mary, (9 and 10 W. and M., cap. 26.) We come next to the grand act of 1713, when, by the celebrated Assiento treaty with Spain, *Great Britain agreed to supply the Spanish colonies with one hundred and forty-four thousand slaves at the rate of four thousand eight hundred a year.* In 1739, Parliament voted to private traders whose interests were injuriously affected by the statutes of 9 and 10 William and Mary, *the sum of £10,000, to sustain their slave factories.* This sum was annually continued until the year 1744, when, owing to the dangers and embarrassments incident to a war which broke out with France and Spain in that year, the grant was *doubled.* In the middle of the eighteenth century the African fever was at its height in England, for then it was (in the year 1750) that an act was passed by Parliament, entitled "An act for *extending* and *improving* the trade with Africa."

The interests of English commerce, which controlled the public mind, resisted all efforts to arrest it. The colonies of North America, which threw off their subjection to England in 1776, were loud in their remonstrances and condemnation. But in defiance of their feelings, and in opposition to their interests, the lords of the admiralty, and even the King himself, returned contemptuous answers of rejection to their repeated petitions.

The first ship-load of Africans to this country

was that which went directly from the coast of Guinea to Virginia, in the year 1621. Between that year and 1712—a period little less than a century—the number of slaves imported into the northern and southern colonies, now constituting the thirteen original States of this Union, was more than two hundred thousand. Such were the convictions of Pennsylvania against the traffic that, in the year 1712, her Colonial Assembly, during the life of William Penn, passed an act to prevent its continuance. Pennsylvania was incontinently rebuked by the repeal of this act by the Queen in council. Other colonies petitioned for the abolition of the trade, but they were answered by a flat refusal. In 1760 South Carolina, following the example of Pennsylvania, passed an act to prohibit the further importation of slaves into her territory; but Great Britain rejected the act with indignation, declaring that the slave trade was beneficial and *necessary* to the mother country. The colonies were reprimanded, and a circular letter was dispatched to all the colonial Governors, warning them against a boldness unbecoming faithful and obedient colonists, and against the commission of an offense which involved the commercial interests of the realm.

But passing many intermediate acts with which the statute-books of England are replete, I come to the year 1774, just two years *after* the famous case of Somerset was decided, and just two years *before* that independence was declared which put an end to these insults and oppressions. In 1774 various measures were enacted for the regulation of slaves in those English colonies which became independent in 1776; and in 1774 two bills were actually passed by the Assembly of Jamaica to restrict the African slave trade in that colony. Liverpool and Bristol petitioned against the proposed restriction in Jamaica, and the Board of Trade obediently decided by a Report in favor of the English petitioners. The colonists eloquently answered the mercenary spirit of the report on the grounds of justice and humanity; but the Earl of Dartmouth, as president of the board, silenced the remonstrants by emphatically declaring: "*We cannot allow the colonies to check or discourage a traffic so beneficial to the nation.*"

But while this language was used, and this policy adopted, towards the aggrieved and complaining colonists of England, that same England, two years before, was deciding, through her eminent Chief Justice, that slavery was so odious that a slave could not live on *the free soil of Britain!* It was in the celebrated case of the negro Somerset, decided by Lord Mansfield in 1772, that the doctrine was proclaimed or repeated, which has so intoxicated our people and misled their own. Somerset was a slave, brought by his master into England from Virginia; and the question was, whether his residence in that kingdom dissolved the relation in which he had stood to his former owner? The learned and able jurist hesitated long, ordered a reargument, and finally decided that Somerset was free, for the reasons that slavery was abhorrent to the common law of England, and that man could not in that kingdom be the legal subject of property. I propose to show that this decision was neither more nor less than the *fiat* of the individual judge; that it was pure and unmixed *judicial legislation;* and that it is opposed to the whole current of English practice, English history, and English jurisprudence. But the decision was made, and the distinguished philanthropists, among whom Granville Sharp and others were active in procuring it, set no bounds to their exultations. The eloquence of Curran, in after times, made it the theme of one of his proudest triumphs in glowing and gorgeous oratory, and Cowper canonized it in verse. But one of the immediate consequences of this decision was to set free in the streets of London about four hundred negro slaves, who, having no owners to support them, were thrown upon the care and protection of those gentlemen most anxious for the judicial liberation of Somerset. From former comfort they were plunged into extreme distress, which drove them in crowds to their patron, the celebrated Granville Sharp, who did all that humanity could prompt to relieve their necessities and mitigate their sufferings. But all was unavailing. They suffered and returned again and again, until he began to look out for some permanent plan of relief for himself and of refuge for them. He finally determined to send them to some spot in Africa, the land of their ancestors, where, with proper implements of husbandry, they could maintain themselves.

Through the achievements of the earliest adventurer in the slave trade, such a place as *Sierra Leone* had become known to the English people. To Sierra Leone, therefore, that first spot on the African coast which England had signalized as the scene of her depredations on the continent of Africa, Granville Sharp proposed to send these four hundred emancipated slaves, as the seeds of a future empire. The ship which carried these

colored emigrants passed out of the Thames under convoy of Her Majesty's sloop-of-war Nautilus, on the 22d of February, 1787. Of the four hundred persons who embarked, nearly all perished by famine, disease, and the hostility of neighboring tribes. Within two years after the embarkation, the parent of those flourishing colonies which have since gone from this country to the African coast, and which are entering into the barbarous and heathen interior of the continent, there to sow broadcast the seeds of religion, civilization and liberty;—within two short years, all the hopes of its noble projector were crushed, and this first attempt at African colonization was rendered abortive. But great events, however fortuitous or inevitable their occurrence, though sometimes marked by disaster in their outset, and overwhelmed by miscarriage and calamity, bear about them something of the reproductive spirit of the fabled Phœnix. The colony has been replenished, its welfare has been watched with benevolent care, and nourished into newness of life with the most assiduous and tender solicitude. A flourishing and intelligent colony now renders worthy of our thoughtful notice that spot long memorable for supplying the first ship-load of Africans to an English slaver in the reign of Elizabeth, and more recently as the place where those men suffered and died, whose freedom the judicial monstrosity of the great Mansfield had secured!

The learned Chief Justice made a twofold mistake of historical fact and of legal principle. Is it historically true that slavery was so repugnant to the English common law as never to have actually existed in England? and is it legally correct, that under the English system of jurisprudence, man could not be the subject of property in that kingdom? The degradation of *villein tenure*, distinguished as well by the baseness and servility, as by the hereditary and unalterable quality of the services it exacted, existed in England from the earliest times. But what mean the existence of African slavery *in British colonies*, the slaves placed there by *act of Parliament*, the trade participated in by *the King and his greatest subjects*, and sustained and continued by pecuniary largesses *authorized by English law?* If servitude be abhorrent to the free spirit of the English common law, what mean those acts of Parliament to regulate and perpetuate it in colonies peopled by English subjects, controlled by English charters, and governed by English functionaries? Did not English subjects carry to their trans-Atlantic home, in the New World, the fundamental maxims and distinguishing principles of the English common law? If so, and that common law was irreconcilable with human bondage, did they not act in accordance with its spirit in remonstrating and enacting against its increase? And how, in the face of such a pretension, can the English Government be defended and justified in abrogating those colonial laws which looked to the extinction of the traffic? In negativing the act of Pennsylvania of 1712, in rejecting that of South Carolina in 1760, in dismissing the acts of Jamaica, in 1774? The fact, as alleged, is denied by the whole history of England abroad, and the settled policy of the British empire at home. The reverse is exemplified, if not in some of her present institutions, at least in her former system, and in her colonial plan from its earliest period to the time when the thirteen colonies were separated from her dominion.

The popular mind of England was fully prepared for African servitude by the immemorial existence of villein tenure and service. It is true that the law by which property in the offspring of an American slave was transmitted, became different from the rule of succession which prevailed under the common law of the kingdom. But the *partus sequitur ventrem* of the civil law, which prevails in the southern States as the rule which now regulates the right to descendants, was not the original law of this country. One of our earliest colonial laws on the subject of slavery, which was that of Maryland, in the year 1663, enacted that "all children born of any negro or other slave shall be slaves, as their *fathers* were." This rule of inheritance was that of the English common law, the maxim being *partus sequitur patrem.*

The paternal rule of succession as to offspring was abolished in Maryland in the year 1699 or 1700; and in the year 1715 the principle of the civil law, was substituted for the ancient doctrine. It is enough, however, that, as the maxim of the English common law originally governed the right of servile succession in this country, even that argument of English writers is taken away. It is apparent, therefore, that the whole system of American slavery was not merely of English origin, but that its plan was modeled upon that of England, the time of succession being altered from motives of convenience, arising from the looseness of the marriage tie among the barbarous descendants of Africa.

The law of Maryland of 1663, which followed in the track of the English precept as to the paternal line of succession, condemned the offspring of a free white woman who intermarried with an African slave, to the servile condition of the father. This feature of the early legislation of that colony, reflects the well-known sentiments of England at that early day, and proves the antiquity of the opinion now so well ascertained and universal among the learned in this country as to the inequality of the two races, and the degenerate results of a union between them.

The dogma of the illustrious Mansfield in that famous decision, that the English law did not recognize man as the subject of property, was unworthy of his character and fame. In the year 1689, nearly a century before, that question, so far as English law was concerned, had been solemnly decided *by the whole twelve judges of England.* At the head of this august array of learning and ability, was the eminent Chief Justice Holt. The question arose under the Assiento treaty with Spain, and was submitted to the judges by order of the King in Council.

The certificate of their unanimous opinion is couched in language alike concise and direct. "In pursuance of his Majesty's orders in council, hereunto annexed," say the Judges, "we do humbly certify our opinion that *negroes are merchandise.*"* The document is signed by all the judges, beginning with Holt, and by Treby and Somers, as Attorney and Solicitor General.

But the fallacy of the idea has been shown, and the system of reasoning by which the Somerset case is sought to be supported, is ably reviewed and demolished by that eminent jurist, Lord Stowell, in the year 1827.†

This acute and accomplished English civilian, better known as Sir William Scott, in referring to a directly opposite opinion of Lord Hardwicke, made in the court of chancery twenty-two years before, that is, in 1749, (see State Trials, vol. 22, pp. 4, 81,) informs us that "the personal traffic in slaves resident in England, had been *as public and as authorized* IN LONDON, as in any of our West India Islands. *They were sold* on the Exchange and other places of public resort, by PARTIES THEMSELVES RESIDENT IN LONDON, and with as little reserve as they would have been in any of our West India possessions. Such a state of things continued, without impeachment, from a very early period up to nearly the end of the last century." (Haggard's Rep., p. 105.) He adverts to the different opinions which had been pronounced from the earliest introduction of slavery into the English colonies, by judges of high authority, and the greatest ability in the kingdom, and the suddenness of the conversion of Mansfield to a different doctrine. He is reminded of what is mentioned by an eminent ancient author, that on the announcement of *the defeat of Pompey,* "*populus Romanus repente factus est alius*"—*the Romans suddenly became quite another people.* What event in the history of England called up the classical reminiscence of the learned judge, which is so delicately and plainly hinted at, is more than a subject of conjecture. In a subsequent page, he goes on to assert, that for the space of *fifty years* not in one instance had the attention of English justice been called to these alleged violations of law, of bringing slaves within the jurisdiction of England, and allowing them to depart. "Black seamen," he says, "have navigated West India ships to this island, but we have not heard of other Somersets, nor has the public been much gratified with complaints of their desertion, though it is probable that some may have taken, and not unfairly, the advantage that was held out to them by the law."—p. 112.

But if, indeed, the air of England be so pure, and the soil so free as to kill the demon of slavery as soon as he inhales the one, or his profane foot reaches the other, how happened it that down to the very period of the emancipation act for the British West India colonies, the Chancellor of England made decrees for sales *in London* of plantations in Jamaica, *together with the slaves by which they were worked?* The Lord Chancellor ordered, by decree, the sale of two sugar plantations at Nevis, *and one hundred and fifty-two negroes thereon,* to take place on the 10th January, 1833, *in Southampton Buildings, Chancery Lane, London!* The curious may see in a pamphlet on the opinion of the French lawyers in the Mauritius, dated in 1832, and in a note at the end, by the translator, the notable particulars of this decree. But enough. The facts and the law are misstated in the memorable case of Somerset. It was not the law of England before; it has not been acted upon or recognized since, as that decision

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* *Vide* vol. 2, of Chalmers' Reports of the Opinions of Eminent Lawyers, in colonial cases, &c., pp. 262, 263.

† See vol. 7, Haggard's Admiralty Reports, page 94. The learned reader is also referred to the case of Commonwealth *vs.* Aves, reported in 16 Pickering's Reports, page 193, in which C. J. Shaw, of Massachusetts, contributes to undermine the fabric of Mansfield.

is understood in this country. It stands without any prop in any part of the general or judicial history of the British empire. In theory, it is unsustained by the genius and spirit of English jurisprudence, and as a measure of practice it is without precedent and without authority.

A principle has been deduced from the doctrine of the Somerset case, and applied to our own country, which asserts the instant emancipation of a slave, who accompanies his owner, so soon as he touches a non-slaveholding State, in the act of transit to another. Whatever may be the local law of any member of this Confederacy, such a doctrine is opposed, not merely to fraternal good faith and international (not to speak of *inter-State*) comity, but to the whole spirit of the Federal Constitution; while an attempt to enforce so baleful a notion would be prolific of the direst mischief to the peace and harmony of the different States.*

The law, as declared in that celebrated decision, will, for the future, govern the opinions of English lawyers, at least so long as it does not come in contact with some controlling and predominant interest in England. Whenever any such great interest shall arise, such, for example, as the importance of the Cooly trade, then we may expect to hear substantial reasons for the reversal of Mansfield in the same spirit of his own sudden judicial *somerset*.

Before quitting this branch of the subject, allow me to say that the Cooly trade to which I have adverted in the West Indies, as exemplified since the emancipation of African slavery there, is shown to be, by its working in Cuba, little else, and hardly better, than the African slave trade. It has most of its abhorrent features, and must end, if indeed the system be not in its origin and tendency identified, with African servitude. But this subject has been so fully unfolded by my honorable friend from North Carolina, [Mr. CLINGMAN,] that I forbear to enter further upon that field of research. While I commend his speech to the perusal of all thoughtful men, and think his facts should be pondered by all philanthropists, I must say that he has ventured some general and particular opinions which he cannot expect me either to subscribe to or approve. The luminous development of the same subject by the honorable and learned gentleman from Louisiana [Mr. TAYLOR] should be turned to by all inquirers into the spirit and objects of this trade. Then what becomes of the value of superior British pretensions to human liberty and sacredness of soil? Is the sentiment worth more than this, that the political aims and the commercial and pecuniary interests of England form the basis and groundwork of British benevolence on this subject? Since the modification of pure villeinage, and the emancipation of African slavery in her West India possessions, she has established within the island as much liberty for the sojourner and subject as is compatible with a hereditary peerage and hereditary royalty, always saving the distinctive demands of commerce, and the other great pursuits of the kingdom. But whatever motive may have actuated the immediate emancipation of her slaves in the West Indies, we find the lessened production of these islands has given rise to a system bearing only a different name, but having all the objections to which African slavery is liable. We find also existing in the East Indies a system which, however justifiable with reference to the condition of that country and the aims of England in securing and extending her dominion, is totally at variance with the sublimity of her benevolence in all that concerns slavery in the United States.

I am no apologist for slavery in any form. I believe it to be opposed to the genius of our Government and injurious in its effects upon this country. But while I deplore its existence, I am not insensible to the incontrovertible fact, that the African, whether bond or free, has been greatly elevated in character, and improved in condition and happiness, by his residence among a religious, an educated, and a free people. That servitude which existed, and now exists in Africa, and to which most of the progenitors of the present race of American slaves were doomed, is an unmitigated, a barbarous, and hopeless tyranny—that tyranny which is natural to a savage people, without Christianity, and without civilization. Nor can any one doubt, who knows aught of the slave system which prevailed in the West Indies, and of the *Cooly* system which has been substituted under English rule, or which now exists in Cuba under the laws of Spain, or even the system of *peonage*, as that obtains in Mexico—that slavery in the southern States is comparable to neither of these. The different systems referred to admit of more connivance at abuse, and are not more

*See the National Intelligencer of December 17, 1856, and January 4, 1857, for the fact, that in Prussia, the doctrine derived from the *Somerset case* is not the law of that empire.

favorable to the welfare and comfort of the unhappy subjects of them, than the more benignant, generous, and in some degree patriarchal, system existing in our southern States. Who ever heard that slaves in our southern States were overworked, under-fed, ill-clad, or do not have the Gospel preached to them? Any one who will carefully study the history, the physiology, and characteristics of that division of the African race which has been brought to this country, cannot fail to perceive that no equality of rights with the races of Europe would bring about equality of condition. The natural inferiority of the negro is physically and metaphysically A FACT. You may make society a level table-land, but you cannot prevent the African negro from sinking in intellectual stature below the height of the European. The laws of our free States, which show the slow but certain results of experience, attest this truth by withholding from the negro more than a measured or qualified freedom. As the untaught Indians are, for their protection, in a state of tutelage to this Government, so the descendants of Africa, for their security and happiness as a dependant race, are in a similar position in most, if not all, of the different States in which they are placed.

That any system is a bad one which places the happiness of one man in the keeping of another, without more legal restraint than at present exists in the slaveholding States, is certainly a grave objection; but this objection would no doubt be lessened, if not removed, in a calmer condition of the popular elements. All I mean to say is, that it is unjust to the character of this country, and injurious to the social and moral standing of the southern States, to confound the system of hereditary service which exists among them, with a condition of law and a state of society out of all comparison inferior to theirs in those attributes and virtues which form and enter into the composition of a religious, a high-toned, and an enlightened people. England is an exiguous territory, situated in the same latitude with some of our more northern States. She has no need, from climate or soil, of African service any more than they, as she proved in 1787, when she sent her four hundred black people to Africa. She cannot appreciate the want of such labor in a country stretching through every variety of climate, from almost the frigid zone to the equator. Where the white man cannot labor, but where experience proves he languishes and dies amid a fervid and to him unnatural heat, the black man delights and luxuriates. In the same proportion that the fervor of a high southern latitude disables the European, it is genial to the African negro, who suffers inversely in body and mind as he advances toward the North.

This law of climate has silently proclaimed itself, by the events of our own history. When the thirteen colonies declared themselves independent of English rule in 1776, slavery existed in all. Let England remember, and let those who praise the free principles of the English Constitution not forget, that at the moment of our separation, each colony held slaves under the countenance and regulation of English law. African slavery, therefore, is to be marshaled among the assets of our English inheritance. Pennsylvania, in the year 1780, first provided by statute for the abolition of her domestic slaves. Massachusetts followed by judicial construction of her constitution in the same year; Connecticut and Rhode Island in 1784, New York in 1799, and several of the other States in order. But is it not a fact worthy of note—is it not an impressive passage in our history, that all the States which have yet manumitted their slaves are beyond a certain degree of north latitude? That slavery is still continued in some States where African labor is not indispensable, is undoubtedly true, but the apparent anomaly is well explained by the activity of English and northern fanaticism, in preventing the maturity of those wise measures of *gradual* alteration which were deliberately meditated in each.

Then the question arises, what is it the duty of those northern States which have abolished their respective systems of domestic servitude, or have been admitted into the Union as free States, to do in the matter of slavery in the southern States? Have they anything more to do with it now than before their own systems were abolished? Ought they not, in short, to deliver back to their southern brethren, fugitives from labor and service, as the Constitution enjoins, and as they agreed to do in becoming parties to that solemn instrument of Government? Or should they act upon the English dogma, that the soil of the free States should instantaneously convert a southern slave into a freeman? I demur to the adoption of that doctrine in these Confederate States, politically and morally, as a man and a citizen, as a lawyer and a statesman. I propose to show by all the lights of history, by every consideration

of justice, by the principles of national honor and of national policy, that we are bound to restore to the State and to his master the fugitive who has left the protection of both.

Most of the thirteen colonies, when they all had a common head in Great Britain, enacted their own systems of laws for the capture and rendition of fugitive slaves. These colonial laws were so entirely sufficient for the protection of their respective owners, that the Articles of Confederation which followed independence in the year 1778, were entirely silent upon the subject. But when the Constitution was framed, in 1787, two of the States had entered upon the work of enfranchisement. Pennsylvania, whose early law of 1712 was repealed by the Queen in council, was no sooner emancipated from the thraldom of political subjection to England, than, true to her original principles, she passed an act for the gradual abolition of African servitude within her borders. This act bears date the 1st of March, 1780, while the war of the Revolution was still raging, and its result still doubtful. But while she thus prepared for future freedom in her own territory, she was true to the rights of her sisters on her own soil. It is distinctly provided in the eleventh section of this first great Abolition Act in the United States, that "this act or anything in it contained shall not give any relief or shelter to any absconding or runaway negro or mulatto slave or servant who has absented himself, or shall absent himself, from his or her owner, master, or mistress, residing in any other State or country; but such owner, master, or mistress shall have like right and aid to demand, claim, and take away his slave or servant as he might have had in case this act had not been passed." This enactment, with a provident and patriotic sense of justice which reflects upon the men of that day in Pennsylvania the most distinguished honor, anticipated the requisitions of the Constitution. Seven years before that great Federal State paper was framed, and thirteen years before the act of Congress of 1793 was passed, Pennsylvania was ready by her own voluntary legislation, while abolishing her own system, to do substantial justice to all her sisters. This section of her act of 1780 is unrepealed to the present day, and enters into her statute-book as present and existing law.

The Constitution of the United States was completed and adopted by the Convention three months after the enactment by Congress of the great Ordinance, constituting the Territory northwest of the river Ohio. The nearly cotemporaneous dates of these two papers, throw light upon each other in regard to fugitive slaves and to Congressional power. Both these bodies—the Congress and the Convention—were sitting in Philadelphia at the same time in the vicinity of each other; and the members, no doubt, in habits of daily and hourly intercourse. The Ordinance for the Northwest Territory originated with Mr. Jeferson, in the year 1784, in whose handwriting the original draft is still preserved in the Department of State, in this capital. It was modified and enlarged by Mr. Nathan Dane; but the idea of excluding slavery from that Territory in all time to come, after the year 1800, is to be found in Jefferson's original draft. But this bill was repeatedly negatived, and would never have passed the Congress of 1787, if Dane had not provided for the reclamation of fugitive slaves. He was a northern man; and, as the author of a Digest of the laws of Massachusetts, was true to their principles and policy. All else of his bill, as it passed into the celebrated Ordinance, including the provision for the rendition of fugitive slaves, was derived from the laws of his own noble old Commonwealth.

In respect to the restoration of fugitives from labor, these laws were consentaneous with the general legislation of the English provinces. At that time Pennsylvania, Massachusetts, and all the other States were bound together by the remembrance of a recent participation in common danger. Each, fired by the love of liberty, acted according to its own sense of independent duty and interest, in extending the blessings of that liberty to, or withholding it from, the descendants of Africa. But each was just to the others; all were willing to yield up those subjects of property which the laws of all had once enforced. Whatever may have been the sentiments of those States which had adopted legislative emancipation, they knew that fraternal concord, the sublime hopes of a glorious national future, public peace and private affection, political union and social unity, were far higher considerations than merely abstract sentiment in favor of general liberty, however lofty, praiseworthy and noble. The power of the English press ceased for a time to be felt in this country. The system of *dividing to conquer* had not entered into the minds of her ambitious statesmen. The interests of England were not entirely divorced from the profits of the slave trade. Emissaries had not been sent over the Atlantic to poison the

minds, obscure the vision, and alienate the affections of the American people. At that time, Pennsylvania would not have blurred the fair page of her legislation by the act of 1847 which denied the use of her prisons to the United States for the detention and safe-keeping of negro fugitives from labor, seeking concealment within her jurisdiction. At that time, Massachusetts would not have stained the patriotic page of her statute-book with the provisions of such an act as the *personal-liberty bill*—a law which at one blow attempts to blot out the Constitution, and to paralyze two acts of Congress passed in pursuance of its provisions. It proclaims disfranchisement of his profession to that lawyer who may venture to represent a claimant of a fugitive slave under the laws of Congress of 1793 or 1850, and in its whole scope and tendency is a moral treason against the United States. If it be enforced, it would be declared unconstitutional; and any overt act of resistance under it to the Federal authority, would be treated and punished as actual treason. Thank Heaven the native spirit of Pennsylvania was awakened, and her honor redeemed by the repeal of her infamous law of 1847; but that of Massachusetts, in spite of earnest remonstrances and stirring appeals from her greatest sons to the patriotism and national allegiance of her people, yet remains untouched upon her statute-book to the present day.

Where is the spirit which, in the year 1643, bound Massachusetts, New Plymouth, Connecticut, and New Haven, together as one colony for mutual and common protection? Where sleeps the spirit of a wise and provident forecast which suggested, in the celebrated Articles of Confederation formed in that year, a provision that any servant, running away from his master into any of the confederate jurisdictions, should be delivered to his master, upon the certificate of a magistrate, or other proof? The personal-liberty bill of 1855 ignores the existence of these ancient articles, and is oblivious of all existing confederations, as well of the duty she owes to "the confederate jurisdictions," as to herself as one member of a far greater and closer Union.—One of the objections made in Massachusetts to the fugitive slave laws of 1793 and 1850 is, that they contain no provision for a right of trial by jury. If this reason were removed, there would still be another, as it comes from persons who are opposed to the execution of all fugitive-slave enactments. But, in the case of alleged fugitives, there is no advantage, but a manifest impropriety, in such a form of trial. The New England colonies were keenly alive, in 1643, to all the forms and principles of English freedom which did not intrench upon their distinctive theological opinions; but they saw nothing in the questions involved in simply reclaiming a fugitive from labor, which justified or required the interposition of a jury. He was to be delivered to his master, according to the words of the Articles, "upon certificate from one magistrate in the jurisdiction out of which the said servant fled, or other proof." This regulation, and others of a similar nature, were expressly made a part of this celebrated compact, for the reason which the convention assigns—that of preserving peace, and taking away all occasions of strife among the parties composing it. Happy would it be for the honor and repose of the country, if these communities would heed the lessons of their own history, and adopt the sentiments and examples of their ancestors, in their present policy and laws, while acting on a grander and wider theater!

But before the Personal Liberty Bill of Massachusetts was passed, various other States enacted laws within their several jurisdictions, for the purpose of crippling and disabling the act of 1793. This statute of Congress was one of the earliest measures which the far-seeing men of that day deemed necessary to the peace of the country and the justice of its citizens. It was passed in the administration and received the sanction of Washington. It was only to carry out the Constitution itself, as an injunction upon States for the observance of a common duty which the colonies had performed before and during the Confederation, which Pennsylvania as a State had voluntarily imposed upon her own citizens, and which the celebrated Ordinance of 1787, so much and justly extolled for its wise and liberal provisions, imposed upon the territory it forever dedicated to freedom.

But State enactments embarrassed the execution of the law of 1793, and combinations were made in the free States with *English* subjects in Canada, to facilitate escapes by what is popularly known as *the underground railroad.* Every means was devised by rendering fugitives secure from recapture, to multiply the motives to flight.

The southern men, from loss of their property incurred in violation of good faith to our colonial and constitutional pledges, and to all the circumstances of our earlier and later history, seemed to

have become incurably alienated. The hand of an enemy had thrown the apple of discord among a large family of happy States which were marching together, as a band of attached brothers, to greatness and to glory. Wise statesmen saw in it all the fell mischief of the demon, who aimed in undermining the affections of the people to carry away the grand palladium of our country.

I call upon the intelligent North, as a northern man, to act as lovers of the Constitution, to act as good citizens, to act with a view to the practical benefit of their own country rather than yield themselves to the sublimated generalities of light-headed, giddy, and theoretical sentimentalists at home and abroad. No State can interpose obstacles to the execution of the fugitive slave law within its own jurisdiction, and be a just and faithful member of the Union. Any State which passes laws to prevent or impede their execution, or which does not, by its legislation, give them the moral force of its countenance, and if need be, the physical aid of its executive police, has fallen from that devoted allegiance which distinguished the early days of the Republic.

Let us consider this subject with reference to the words of the Constitution, providing for the delivery of fugitives from justice, and fugitives from labor. These provisions follow each other in the second section of the fourth article:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The criminal and the slave, one flying from the law, and the other escaping from his master, are *both to be delivered up*, the one on demand of the executive authority of the State from which he fled, and the other on claim of the party to whom such service or labor may be due. In these provisions, intended to guard against the collisions to which the preservation of distinct State rights might inevitably lead, it is observable that the *slave-clause* is distinguished from the other by this guarded language, that "*no law or regulation*" *in the State to which he has escaped*, shall prevent the delivery or rendition to his owner. This being the *supreme law* of the whole Republic, that which gives us the protection and honor of nationality, it can be evaded or disobeyed only at the sacrifice of a fundamental as well as superlative social duty. Obedience—implicit, unreserved, and perfect obedience to the Constitution, on these great inter-State regulations, is at once the base of our social edifice, and the key-stone of the whole national pile.

The two above-quoted provisions, as to criminals and servants, are in the same category. The Legislature of a State in throwing impediments to the fair operation of either would, as I have intimated, be equally culpable. To put an extreme case:—if a State dispensing with capital punishments should refuse to deliver or throw hindrance in the way of recapturing and delivering fugitives from justice in States where certain crimes were capitally punished, would not such refusal be an infraction of the Constitution? Some States disapprove, in their punitive systems, of solitary confinement, and others approve of no plan but that which separates offenders. Some find imprisonment for a few years abundant for all the purposes of retributive justice and permanent reform, while others shut up their criminals for life. Some immure the culprit, if not in a dungeon as horrible as the black hole of Calcutta, in a prison nearly as detestable; while other States provide humane places of punishment.

Now I ask, if in this diversity of opinion and practice, a sentiment should grow up in any of the States against the infliction of death or imprisonment for life, or the lash — if, in self-righteous benevolence, any State, yielding itself to the vagaries of the hour, should come to regard these punishments as cruel, and the expiation of an offense by physical suffering as unjust or tyrannical—is such an opinion, whether right or wrong, an admissible excuse, upon any ground consistent with the safety of society, for refusing to deliver up the offender to a State demanding him? Would not a law interposing the least barrier to the capture, security, and delivery of the criminal be justly accounted as criminal itself, and even rebellious? Is there any difference in principle between acting in opposition to law upon the idea that slavery may be unjust and cruel in its effect upon the slave, and opposing a law because cruelty towards the criminal is deemed unrighteous and forbidden? In both cases a sickly tenderness may plead that "mercy blesses him that gives and him that takes." But the great poet himself has elsewhere said that "mercy is *not* itself *that oft looks so*." Mistaken and false mercy is like

that narrow charity which, in feeling the genial warmth of its own fireside, does not realize the possibility of shivering darkness beyond; while true mercy, like the effulgent sun—broad as its light, and warm and diffusive as its heat—vivifies and gilds distant objects, as well as nourishes and illumines those which are near. In order to secure the freedom of a single person, you rivet and multiply the fetters on thousands who remain behind. You give him nominal freedom, but peril, if not blight, his real chances of happiness. You perhaps take him from plenty, and the care of a considerate protector, whose pecuniary interests and domestic ties are bound up in his welfare, and, it may be, consign him to penury and suffering in a land of strangers.

But you do more than this. You violate the majesty of a fundamental principle, and beget a spirit of lawless disobedience, the worst of all evils in a republic. You give countenance to pretexts, often for temporary and unwise expedients, to set aside the restraints as well as the requisitions of law. Legislative emancipation in the slaveholding States is, through the same instrumentality, indefinitely postponed. But a permanent consequence of all remains behind. The seeds of distrust and disaffection are sown between the different States of the Confederacy. State is embittered against State, private feeling is alienated, and that sentiment of a common nationality which should be nurtured and cherished as of priceless value, is neglected and thrown away for an illusory and worthless abstraction. The hopes of the country, which are identified with its affection and peace, and the eyes of mankind, which are fixed upon us, will be disappointed. If we would cultivate the virtues of those great men who wrote the New England articles of 1643; of those who passed the abolition act of Pennsylvania in 1780; of those who shaped and carried the celebrated Ordinance of 1787; if we would obey the Constitution of the United States, and remember the great and patriotic men by whom it was formed; if we respect the acts and venerate the memory of Washington, who signed the fugitive slave law of 1793: if we would defend in their integrity the measures in which Clay and Webster and Calhoun concurred in the year 1850; we would stay the unfilial and suicidal hand which is uplifted to destroy them all. The North have it in their power, by abstaining from the mischief of such interference, to bring back those noble hearts of the South which beat in unison with those of the North, in all those measures of patriotism and nationality which will make us a mighty and happy people.

It is impossible to add considerations to influence human conduct, if motives such as are here presented cannot animate, enlighten, and direct it. For the single purpose of giving freedom to a few runaways, who are perhaps unfitted for its enjoyment, we may break down the proudest monument of human virtue which was ever reared; we may convulse the land with civil commotions; and drench it in fraternal blood. And we may do all this at the instance of whom? Of a nation whose whole history is at war with all its professions, and whose theory of domestic government and maxims of foreign policy laugh to scorn the very lessons they would teach us. How would England have resented any tendency in this country to excite the discontents of Ireland, or to foment, by word or deed, the spirit of demagogue agitation and factious insurgency there? Let alone, she has commenced a system of gradual correction, and is proceeding—very tardily, it must be admitted—to remove those complaints of partiality and misgovernment which, for above a century, have formed the staple of Irish literature and oratory.

Let me, in conclusion, cast a hasty glance at our expanded country, the permanence of whose undivided greatness is threatened alone by a misguided benevolence and criminal perversity towards fugitive slaves. The political State which was formed by a union of the thirteen original colonies, was mighty and colossal, even in its birth. The boundaries, as fixed with England by the treaty of 1783, inclosed an area of eight hundred thousand square miles. But now, by cessions of territory from Spain, France, and Mexico, the national domain—that over which the national flag triumphantly waves—has been quadrupled in extent. Recent surveys make a grand total of nearly three and a third millions of square miles. Of the extensive and beautiful surface, presenting every variety of soil, stretching into every variety of climate, and including the richest tracts of the world, not a foot of land has been acquired by indirection or conquest. The acquisitions have been made, in every case, after an open negotiation, and for a fair equivalent.

The tonnage of the United States at the commencement of the present Federal Government, amounted to 274,347 tons. In the year 1855 the

commercial marine of the world was computed to be about 15,550,000 tons. Of this vast aggregate, the tonnage of Europe and Asia was about ten millions, of which amount, the half was enjoyed by Great Britain alone. Nearly the whole residue is the present tonnage of the United States, that is, 5,250,000. This immense marine amounts to more than one third of the entire tonnage of the globe, and exceeds the magnificent supremacy of Great Britain herself, the proud and peerless mistress of the ocean. Without any figure of speech, if we coolly look at the figures of arithmetic, we may see in them the maritime glory of this country, and calculate that greatness to which she is hastening. The commercial marine of Great Britain has, for the last thirty years, increased twenty-eight per cent. in every term of ten years; while that of the United States in each decade, for the same period, has advanced fifty-eight per cent. If we recall the state of our commercial navy, as it existed in 1789, according to the census of the following year, and consider the vast augmentation which the intervening period of sixty-five years has effected, it does not require the gift of prophecy to foretell that American tonnage will soon not only surpass that of Great Britain and the rest of other nations singly, but that it will transcend in magnitude the combined maritime fleets of the world.

American imports have swelled in a degree corresponding with this expansion, from $23,000,000 in 1790, to $315,000,000 in 1856. The annual revenue has gone on in a progressive ratio of augmentation from $10,250,000 at the former period, till it reached nearly seventy-four millions of dollars in the latter. The wonderful and unheard of spectacle is presented of a nation having a greater revenue than some of her public men, crippled by constitutional scruples, knew how to expend! And yet the increasing demands of a gigantic commerce, with mighty rivers and an immense extent of unimproved sea-coast, stretching in a line of nearly twenty-five thousand miles—fresh from the hand of benignant nature—require it all, and more than such a revenue can supply.

The exports of the country more fairly express the grand results of its productive industry. From $20,000,000, which was the sum of American exports in the year 1790, these exports have gone on increasing to $310,500,000, which they attained in the last year. But when we reflect upon the amount of domestic consumption, and the stupendous schemes of internal improvement which the elastic energies and sagacious enterprise of our people have set on foot, it is apparent that the sum of these exports in no wise represents the real resources of the United States. Above two thousand patents were issued from the bureau of that department, during the last year. More than twenty thousand miles of railway are now traversed by passengers and merchandise; the electric telegraph is penetrating to the remotest settlements of the land; and a magnificent project has been conceived of uniting by railroad the Atlantic with the Pacific ocean. Is it, then, surprising that, while the annual exports are numbered by hundreds of millions, the annual products of the country amount to as many thousands of millions? It can be shown, by competent *data*, that the industrial pursuits of the country created last year, and contributed to the wealth of the world, the sum of $4,500,000,000! This vast sum, the product of a single year, it has been strikingly and aptly said, is greater, by an eighth, than the whole debt of the British kingdom, which has been accumulating for more than two centuries.

The population of the United States numbers nearly thirty millions of inhabitants, who are governed by a Constitution which is regarded by some of the greatest and wisest men of Europe as the most perfect political instrument that man, in any age or nation, ever conceived or framed. The resources and powers referred to, must, in the nature of things, give to the United States the undisputed rule of empire among the nations of the earth. To what are we indebted for this commanding aggregate of national wealth and greatness? Do we not owe it all to the binding force of that great constitutional charter which concentrates our powers and resources as a nation—that sacred charter which it seems to be the study of some of our own people, in treasonable combination with certain English philanthropists, to tread under foot, to profane and destroy? Shall we slight the auspicious designs of Providence in regard to this country, and disappoint the hopes of freedom over the world? Shall we endanger the progress of republican government? Shall we extinguish the brilliant promises of a glorious future?

But whatever eulogy this greatness may be worth, a greater glory than all remains behind. We may boast of our territory, its imperial amplitude and its boundless fertility; of our inland seas

and extended line of coast; of the improvements which activity, enterprise, and wealth are imparting to our industrial pursuits; yet more than all these, we have something better to be proud of and to cherish. The population of this country represents the effects of free institutions and the influence of free schools, where the future fathers of the State are educated up to the high level of self-government. They exhibit that unshackled freedom of thought which springs out of republicanism, and the intelligence and happiness which spring out of all. We may be grateful for a bounteous soil and a noble country; but a livelier gratitude leaps to American lips when we refer to native genius and talent, to those useful attainments and that higher public virtue which our institutions secure.

> "Man is the nobler growth our soil supplies,
> And *souls are ripened* in our western skies."

In what age, and in what nation, does history or tradition speak of, since the dawn of time, when the common mind and character mounted up, as in this country, to the proper stature of humanity? Where is the man among us whose childhood has been passed in this country, that cannot read for himself the Bible and the Constitution? Where, it may be soberly asked, in a community of millions, are the religious instincts of the masses systematically trained and developed—where are popular intelligence and social virtue, better cared for—where is diffused an equal amount of personal freedom and domestic happiness?

The earth may produce abundantly, and mineral gems may be dug out of her bowels or sparkle in her bosom, but the brightest and most precious jewels of our land are the hearts and souls of her people—the offspring of that better soil, whose high aims and elevated affections are its natural and necessary fruit.

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